

**Environmental Health objection in respect of
Temporary Event Notice application for proposed event at
273 – 275 London Road Staines upon Thames Surrey
to be held on the 12th and 13th September 2020.**

Application

A Temporary Event Notice was submitted on 26th August 2020 for a proposed event to take place on Saturday 12th and Sunday 13th September 2020 from 12:00 to 23:00 on both days.

The location of the event is Signature Van Hire site, 273-275 London Road, Staines-upon-Thames. The nature of the event is a Family Friendly BBQ, with a maximum of 250 attendees with the licensable activities being the sale by retail of alcohol (both on and off the premises) and regulated entertainment.

The organiser for this event is Black Steel Limited.

The organiser has submitted three applications for this site for similar events. Environmental Health and Surrey Police had concerns about each of these proposed events in relation to the licensing objectives.

Following the Licensing Sub-Committee hearing on the 19th August 2020, the Sub-Committee has decided to serve counter notices in respect of both the TENS applications for events on 21 to 22 August 2020 and 28 to 31 August 2020. The third application is being considered by the Licensing Sub-Committee on the 3rd September 2020.

Location

The site is located on the north side of the A30, going towards Ashford. The principle use of the site is a Van Hire Business. There are residential properties opposite the site. There has no history of music or other events being held at the site, until July of this year.

History

Environmental Health has been involved with three unlicensed music events at the site on the following dates:

Saturday 18 July 2020

Saturday 25 July 2020 and

Saturday 1 August 2020.

The Council received complaints concerning all three events. Following visits from the Council's out of hour's service and an officer from Environmental Health attended the last event. Notices were served as a statutory noise nuisance was witnessed.

On the 31st July 2020, the Council served a noise abatement notice. The notice to the landowners required the occupier to abate the statutory nuisance within 12 hours from the time of service and to prohibit a recurrence of the statutory nuisance.

Specifically, the Schedule attached to the notice specified that the occupier ought to

“cease the use on the land of any amplification equipment, such as loud speakers, amplifiers and microphones, that can be used for music and voice amplification at a volume that is likely to cause nuisance to residents of nearby residential premises.”

On the 7th August 2020 Surrey Police obtained a Closure Order under the Anti-Social Behaviour, Crime and Policing Act 2014 Part 4 Ch3 S 80.

The reasons for issuing the Closing Order:

The use of the premises has resulted in, or is likely to result in serious nuisance to members of the public, and

That the Order is necessary to prevent the nuisance from recurring.

This order gave access to nominated persons, however all others are prohibited from remaining on or entering the site.

However, it stipulated the following with regards to nominated persons:

“Any person with a ticket to an event on the site, which event benefits from an extant authorisation under the Licensing Act 2003”

There were no licences issued under the Licensing Act 2003 by the Council prior to the date of the closure order. Any events after this date, with or without the benefit of a licence would render all persons who attend the site liable to arrest and on conviction be liable for a term of imprisonment or a fine or both.

Concerns with Application

Regulation 5 of The Health Protection (Coronavirus, Restrictions) (No2) (England) Regulations 2020, prohibits this event, unless the person responsible for organising the event has carried out a risk assessment which would satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999 and the organiser has taken all reasonable measures to limit the risk of transmission of the coronavirus, taking into account the risk assessment carried out. No risk assessment under the regulations has been submitted.

The site is unsuitable for the numbers to be present at the event.

The application makes no information about managing security of the events and how nuisances and anti-social behavior are to be prevented, i.e.

management of people attending the event and leaving including drunken behavior, removal of litter left outside the site.

The duration of the event, i.e. 2 days, is unacceptable due to the effects on our residents.

The applicant has submitted a Sound Control Strategy for the purposes of controlled the management of regulated entertainment in order to control prevent nuisance to local residents. It gives details of the sound system and will consist of 2 portable loud speakers and will be an audience of 50 people. It details the nearest residential property, that has a separation distance of 80 m, however it is unclear where the measuring point is located. All the noise levels in the strategy are predicted, there are no actual noise levels. Whilst, the “Code of Practice On Environmental Noise Control at Concerts” The Noise Council is the only standard that is applicable and always a music noise level of 65 dB Leq 15 min. Concern is expressed about this level and in order to protect the nearby residents and ensure compliance with the noise abatement notices, and would like to have the noise from the regulated entertainment to be inaudible at the site boundary.

The site does not have sufficient space to accommodate the number of cars that would be expected to arrive for the event. Cars will be parked on the main road outside the venue that has yellow lines which will cause considerable traffic congestion. In addition, cars will park in residential roads and causing issues with the residents over parking and access to their properties i.e. parking across resident’s drives. There is no information submitted with the application giving details on how vehicles are to be managed.

There has been a considerable amount of anti-social behavior when people have left previous events held on the site, litter left, shouting, screaming and drunken behavior.

The Council had not received any site plans detailing location of bars, toilets, and other amenities to be provided on site,

The applicant states that they will provide Security Risk Assessment, Health and Safety Risk Assessment, Fire Risk Assessment, Noise Impact Assessment, COVID - 19 risk assessment, 5 working days before the event starts. In addition, applicant will attend any SAG that the police or any other agency feel is appropriate.

Recommendation

Environmental Health are therefore concerned about the impact this event will have on local residents and consider that public nuisance and public safety would be likely from such an event and would recommend that the application is refused.

Leslie Spearpoint
Senior Environmental Health Officer.
1st September 2020